

# Appeals and Protests

## Information for Property Owners in Santa Cruz County



### Introduction

The preliminary flood hazard maps presented to Santa Cruz County communities represent the most up-to-date, accurate information ever developed for the county. These maps, once finalized, serve as the basis for the communities' floodplain management and the primary tool in preventing loss of life and property due to flooding.

Property owners have an opportunity to review these preliminary maps—also known as the Digital Flood Insurance Rate Maps (DFIRMs)—during a formal public comment period. It is during this “90-day Appeal Period” in which objections (appeals or protests) to information shown on the digital map or in the accompanying Flood Insurance Study (FIS) report may be submitted to the County and FEMA for consideration.

The Santa Cruz County Flood Control District and FEMA welcome public input through the appeals and protests process. Additional proven scientific and technical information increases the accuracy of the maps and better reflects the community's flooding risks. The following information defines what constitutes an appeal or protest and explains the process by which a property owner may take such action.

### What is an Appeal?

Determining the Base Flood Elevation (BFE) within a community is a major component of the mapping process. The BFE is the elevation of the flood having a 1-percent-chance of being equaled or exceeded in any given year. This becomes the basis for the detailed floodplain boundaries, flood insurance risk zones, and regulatory floodway boundaries shown on the DFIRM panels. If an objection to the map involves the proposed BFEs, it is considered an **appeal**.

### What is a Protest?

If an objection does not involve the proposed Base Flood Elevations shown on the digital map panels and in the FIS report materials, it is considered a **protest**. Protests usually involve changes to items such as roads and road names, corporate limits, floodway limits, and floodplain boundary delineations.

(Please see the document “Appeals and Protests: Required Support Data and Documentation” for detailed information on the technical information needed to support an appeal or protest.)

### Activities Leading Up To Appeal Period

FEMA and the Santa Cruz County Flood Control District presented both paper and digital copies of the preliminary maps to community officials at a community meeting and explained the map publication and adoption process in detail. FEMA encouraged each community to publicize and display the maps and assist at public meetings. These meetings allowed local residents to view the maps, ask questions and find out more information regarding their flooding risk.

### The Appeals Period Process

After holding the formal meetings with community officials, FEMA will prepare the materials below:

- Listings of Base Flood Elevations shown on the preliminary digital maps, which are posted on the FEMA Website at [www.fema.gov/plan/prevent/fhm/bfe](http://www.fema.gov/plan/prevent/fhm/bfe).
- A legal notice, called a Proposed Rule, which is published in the Federal Register; public notices announcing the start of this public comment period and the posting of the BFE listings, which are published twice in local newspapers with wide circulation.

On the date of the second publication of the public notice in the local newspaper, the 90-day appeal period begins. During the 90-day period, any individual property owner who wishes to file an objection to the BFEs or other information in preliminary map and preliminary FIS report should submit their appeal or protest along with the required scientific or technical data to the community official designated to manage this process. (See "Appeals and Protests: Required Support Data and Documentation").

Community officials will review each appeal and protest to determine whether the information or data submitted is sufficient to forward to FEMA. Once FEMA receives it, FEMA will request any additional support data through a letter to community officials who will then contact the property owner for the additional data. FEMA will allow approximately 30 days for submittal of the required data. Data submitted within the 30-day period will be considered in resolving the objections. If the data is not provided within the 30-day period, FEMA will resolve the appeals or protests using the data originally submitted.

If appeals and/or protests are adequately supported, FEMA will revise the Base Flood Elevations, floodplain boundaries, regulatory floodway boundaries, and any other information affected by the objections. If appropriate, FEMA will revise the affected map panel(s) and/or FIS report material(s). If an appeal or protest is denied, FEMA will inform the community or other interested parties by letter and provide an explanation for the denial.

If property owners are unable to obtain and submit the appropriate support data within the 90-day appeal period, they may pursue a formal map revision after the map has become effective through a Letter of Map Change.

### **Where To View The Maps**

The preliminary DFIRMS are available for public review at the Santa Cruz County Complex located at 2150 North Congress Drive in Nogales, Arizona. A copy of the preliminary DFIRMS and preliminary FIS are also be available for the public to access at the City of Nogales' Public Works Department located at 1450 North Hohokam Drive, Nogales, Arizona, and Town of Patagonia Clerk Office in Patagonia.

The preliminary DFIRMS and FIS can also be viewed on line at <http://www.co.santa-cruz.az.us/flood/DFIRMS/dfirms.html>. Please be advised the files are best viewed with a high-speed internet connection. There is also a GIS-based web application at <http://sccaz-assessor.org/Floodplain> that can allow individuals to zoom in to specific areas within the County to look at the floodplain mapping being proposed.

All appeals and protests are to be submitted in duplicate to Mr. John Hays, Floodplain Coordinator, at the Santa Cruz County Flood Control District, 2150 North Congress Drive #117, Nogales, Arizona, 85621. These will be reviewed and forwarded to FEMA for their consideration. Only those appeals and protests that are received by the close of business on March 30<sup>th</sup>, 2009, can be considered and reviewed.

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